
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART IV

CARE AND PROTECTION OF CHILDREN AWAITING ADOPTION

Restrictions on removal of children

Restrictions on removal where applicant has provided home for 5 years

29.—(1) While an application for an adoption order in respect of a child made by the person with whom the child has had his home for the 5 years preceding the application is pending, no person is entitled, against the will of the applicant, to remove the child from the applicant's^[F1] home] except with the leave of the court or under authority conferred by any enactment or on the arrest of the child.

(2) Where a person (“the prospective adopter”) gives notice to the ^{F2}... ^[F3]HSC trust] within whose area he has his home that he intends to apply for an adoption order in respect of a child who for the preceding 5 years has had his home with the prospective adopter, no person is entitled, against the will of the prospective adopter, to remove the child from the prospective adopter's^[F1] home], except with the leave of a court or under authority conferred by any enactment or on the arrest of the child, before—

- (a) the prospective adopter applies for the adoption order, or
- (b) the period of 3 months from the receipt of the notice by the ^{F2}... ^[F3]HSC trust] expires,

whichever occurs first.

^[F1](2A) In paragraphs (1) and (2) “any enactment” does not include Article 22(2) of the Children (Northern Ireland) Order 1995.]

^[F1](3) In any case where paragraph (1) or (2) applies and—

- (a) the child was being looked after by ^[F4]an^[F3]HSC trust] before he began to have his home with the applicant or, as the case may be, the prospective adopter, and
- (b) the child is still being looked after by the ^{F5}...^[F3]HSC trust],

the ^{F6}...^[F3]HSC trust] shall not remove him from the home of the applicant or the prospective adopter except in accordance with Article 31 or 32 or with the leave of a court.]

(4) In paragraphs (2) and (3) “a court” means a court with jurisdiction to make adoption orders.

^{F7}(5)

^[F8](5A) An ^[F3]HSC trust] which receives such notice as is mentioned in paragraph (2) in respect of a child whom the ^[F3]HSC trust] knows to be^[F1] looked after by another ^[F3]HSC trust]^{F9}... or to be provided with accommodation by a voluntary organisation] shall, not more than 7 days after the receipt of the notice, inform that other ^[F3]HSC trust] or that ^{F10}... organisation, in writing, that it has received the notice.]

Changes to legislation: *The Adoption (Northern Ireland) Order 1987, Section 29 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) Paragraph (2) does not apply to any further notice served by the prospective adopter on any ^{F11}... [^{F3}HSC trust] in respect of the same child during the period referred to in sub-paragraph (b) of that paragraph or within 28 days after its expiry.

(7) Any person who contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(8) The Department may by order made subject to affirmative resolution amend paragraph (1) or (2) to substitute for the period of 5 years mentioned in that paragraph such other period as may be specified in the order.

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| F1 | 1995 NI 2 |
| F2 | Words in art. 29(2) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 112(2) ; S.R. 2022/102, art. 2(b) |
| F3 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |
| F4 | Word in art. 29(3)(a) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 112(3)(a) ; S.R. 2022/102, art. 2(b) |
| F5 | Words in art. 29(3)(b) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 112(3)(b) ; S.R. 2022/102, art. 2(b) |
| F6 | Words in art. 29(3) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 112(3)(b) ; S.R. 2022/102, art. 2(b) |
| F7 | Art. 29(5) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 112(4) ; S.R. 2022/102, art. 2(b) |
| F8 | 1994 NI 2 |
| F9 | Words in art. 29(5A) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 112(5)(a) ; S.R. 2022/102, art. 2(b) |
| F10 | Words in art. 29(5A) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 112(5)(b) ; S.R. 2022/102, art. 2(b) |
| F11 | Words in art. 29(6) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 112(6) ; S.R. 2022/102, art. 2(b) |

Changes to legislation:

The Adoption (Northern Ireland) Order 1987, Section 29 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- art. 29(3)(a) word substituted by [2022 c. 3 \(N.I.\) Sch. 1 para. 112\(30\(a\)\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- s. 6(2) words inserted by [S.I. 2019/1514 reg. 29\(4\)](#)
- art. 60(1A) inserted by [2022 c. 18 \(N.I.\) Sch. 4 para. 6\(a\)](#)